

1 Eric H. Gibbs (State Bar No. 178658)
2 ehg@girardgibbs.com
3 Matthew B. George (State Bar No. 239322)
4 mbg@girardgibbs.com
5 Scott Grzenczyk (State Bar No. 279309)
6 smg@girardgibbs.com
7 **GIRARD GIBBS LLP**
8 601 California Street, 14th Floor
9 San Francisco, California 94108
10 Telephone: (415) 981-4800
11 Facsimile: (415) 981-4846

12 *Attorneys for Plaintiffs*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 JULIE WINKELMANN and MICHELLE CRUZ,
16 on behalf of themselves and all other similarly
17 situated individuals,

18 Case No. 3:14-cv-00160-JST

19 Plaintiffs,

20 vs.

21 NOVARTIS AG, NOVARTIS CORPORATION,
22 and NOVARTIS CONSUMER HEALTH, INC.,

23 Defendants.

24 **STIPULATION RE FILING OF FIRST**
25 **AMENDED COMPLAINT AND DISMISSAL**
26 **OF CLAIMS AGAINST NOVARTIS AG AND**
27 **NOVARTIS CORPORATION**

1 Plaintiffs Julie Winkelmann and Michelle Cruz and Defendants Novartis Consumer Health, Inc.
2 (“NCH”) and Novartis Corporation, by and through their undersigned counsel, stipulate as follows:

3 WHEREAS Plaintiffs’ complaint was served on NCH and Novartis Corporation on January 27,
4 2014.

5 WHEREAS Plaintiffs’ complaint has not been served on Novartis AG.

6 WHEREAS the parties previously stipulated (Dkt No. 13) to extend the date for the Defendants
7 that were served, NCH and Novartis Corporation, to answer, move or otherwise plead until March 20,
8 2014. On March 20, NCH filed an Answer (Dkt. No. 14) and Novartis Corporation filed a Motion to
9 Dismiss (Dkt. No. 15).

10 WHEREAS NCH and Novartis Corporation consent, pursuant to Federal Rule of Civil
11 Procedure 15(a)(2), to Plaintiffs filing a First Amended Complaint which will include an additional
12 plaintiff, Thamar S. Cortina.

13 WHEREAS NCH and Novartis Corporation consent, pursuant to Federal Rule of Civil Procedure
14 41(a)(1), to Plaintiffs’ dismissal of defendants Novartis Corporation and Novartis AG without prejudice.
15 Plaintiffs’ First Amended Complaint will not name Novartis Corporation or Novartis AG as a defendant.

16 WHEREAS, pursuant to Local Rule 6-1(a), the parties agree to extend the time within which
17 NCH shall answer, move, or otherwise plead in response to the First Amended Complaint.

18 WHEREAS, pursuant to Local Rules 6-1(b) and 6-2, the parties agree to modify the time within
19 which Plaintiffs must file an opposition, if appropriate, to NCH’s responsive pleading. The parties also
20 agree to modify the time within which NCH must file a reply brief in support of its responsive pleading.

21 WHEREAS this stipulation does not waive any defenses including without limitation challenges
22 to jurisdiction or venue.

23 PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 15(a)(2) AND LOCAL RULE 6-
24 1(a), IT IS STIPULATED AND AGREED THAT:

25 1. Plaintiffs shall file their First Amended Complaint on or before April 3, 2014.
26 2. NCH shall answer, move, or otherwise plead on or before May 1, 2014.

1 PURSUANT TO LOCAL RULE 6-1(b), IT IS STIPULATED AND AGREED THAT:

2 1. Plaintiffs shall file their opposition to NCH's responsive pleading, if appropriate, on or
3 before May 30, 2014.

4 2. NCH shall file any reply in support of its responsive pleading on or before June 13, 2014.

5

6 Pursuant to Local Rule 6-2, a declaration is submitted with this stipulation.

7

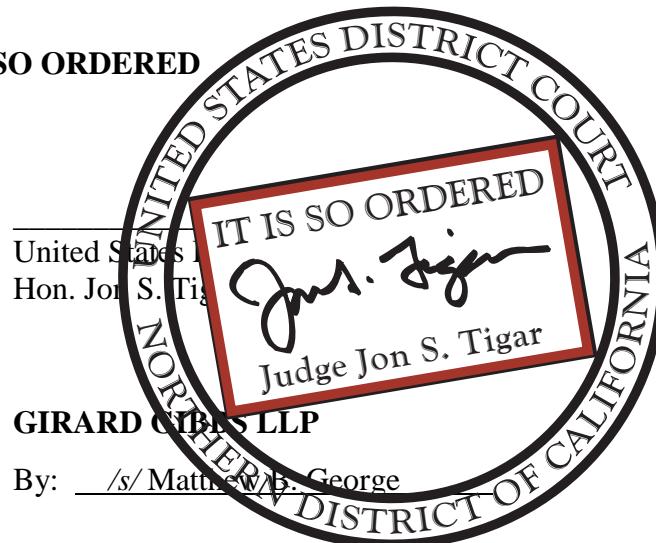
8 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

9

10 Dated: April 8, 2014

11

12 Dated: April 3, 2014



13

14

15

16 Eric H. Gibbs
17 Matthew B. George
18 Scott Grzenczyk
19 601 California Street, 14th Floor
20 San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

21 Todd D. Muhlstock (*pending Pro Hac Vice application*)
22 **Baker Sanders LLC**
23 100 Garden City Plaza, Suite 500
24 Garden City, NY 11530
Telephone: (516) 741-4799
Facsimile: (516) 741-3777

25 *Attorneys for Plaintiffs*

1 Dated: April 3, 2014

KAYE SCHOLER LLP

2 By: /s/ Aton Arbisser

3 Aton Arbisser (State Bar No. 150496)
4 Daniel R. Paluch (State Bar No. 287231)
5 1999 Avenue of the Stars, Suite 1600
6 Los Angeles, California 90067-6048
7 Telephone: (310) 788-1000
Facsimile: (310) 788-1200

8 *Attorneys for Defendant Novartis
Consumer Health, Inc. and Novartis Corporation*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attestation Statement

Pursuant to the Local Rule 5-1(i)(3), I hereby attest that I have received permission from all signatories listed in this document to enter a conformed signature, and have obtained their concurrence in the filing of this document. I further attest that I have on file and will maintain all records to support this concurrence.

Dated: April 3, 2014

By: /s/ Matthew B. George
Matthew B. George